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EXAMINER
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LAMB, CHRISTOPHER RAY

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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*Ex parte* ERIN K. WALLINE, JAMES H. HALLAR,  
AARON VOM EIGEN, and ADRIAN TAYLOR<sup>1</sup>

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Appeal 2017-000607  
Application 13/747,839  
Technology Center 2600

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Before JOSEPH L. DIXON, JAMES R. HUGHES, and ERIC S. FRAHM,  
*Administrative Patent Judges.*

FRAHM, *Administrative Patent Judge.*

DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 from a Final Rejection of claims 1–18. We have jurisdiction under 35 U.S.C. § 6(b).

We affirm.

The invention relates to a control function of a mobile device, such as a “home button,” that can be variously associated with different physical controls on the mobile device, depending on the orientation of the mobile device (*see* Spec. ¶¶ 21–23). For example, the “home button” control function can be associated with a user control 304 located on the bezel of

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<sup>1</sup> According to Appellants, the real party in interest is Dell Products L.P. App. Br. 1.

one edge of the mobile device when it is oriented horizontally, and can be associated with a user control 306 located on the bezel of a different edge of the mobile device when it is oriented vertically (*see* Spec. ¶ 23; Fig. 3).

Accordingly, the control function is accessible in the same position relative to the user regardless of the orientation of the mobile device. Claim 1, reproduced below, is illustrative of the claimed subject matter:

1. A computer-implementable method for facilitating user interaction with a mobile device, comprising:

associating a first control function with a first user control located in a first location on the bezel of a mobile device, the first location comprising a first target operational position;

changing an orientation of the mobile device from a first orientation to a second orientation; and

associating the first control function with a second user control located in a second location on the bezel of the mobile device, the second location maintaining the first target operational position once the orientation of the mobile device is changed; and wherein

the bezel of the mobile device comprises a backlit icon that is illuminated to indicate:

the association of the first control function with the first user control when the orientation of the mobile device is the first orientation; and,

the association of the first control function with the second user control when the orientation of the mobile device is the second orientation; and,

the first control function comprises a home button control function and the backlit icon represents the home button control function.

## REFERENCES

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

King	US 2006/0238517 A1	Oct. 26, 2006
Salman	US 2006/0244727 A1	Nov. 2, 2006

## REJECTION

The Examiner made the following rejection:

Claim 1–18 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over King and Salman.

## ANALYSIS

Appellants contend:

[N]owhere within Salmon [sic] and King, taken alone or in combination is there any disclosure or suggestion of the *bezel* of the mobile device comprises *a backlit icon that is **illuminated to indicate:** the **association** of the first control function with the first user control and, the **association** of the first control function with the second user control,* as required by claims 1, 7[,] and 13  
....

... [T]he examiner cites to a portion of Salmon [sic] which discloses that a set of character values on each key may be back lit when it is determined which set of character values are to be assigned for input key activation. However, it is respectfully submitted that providing *a first control function comprises a home button control function and the backlit icon represents the home button control function* is patentably distinct from back lighting a set of character values as disclosed by Salman. . . . [N]owhere in King nor Salman, taken alone or in combination is there any disclosure or suggestion of the first control function comprises a home button control function and the backlit icon

represents the home button control function, as required by claims 1, 7[, ] and 13.

(App. Br. 4). We are not persuaded by Appellants' arguments.

We begin by noting that the Examiner relies on King for all the limitations of claim 1 except “a backlit icon that is illuminated” (Final Act. 2–4; Ans. 6–7). King describes an electronic device 100 with “visual guides 180 in positions adjacent the areas 121 on the bezel 120 designated to perform the user controls so the user may know the general area of the bezel 120 designated for the corresponding user control indicated by the adjacent visual guide 180” (King ¶ 59) (emphases omitted). Further, King describes:

In a further embodiment, the electronic device 100 may be capable of rotation and may have an orientation sensor . . . for determining the orientation of the device 100. Based on the sensed orientation, the areas 121 on the bezel 120 designated for the user controls can be altered or relocated to match the current orientation of the device 1[0]0.

(King ¶ 60) (emphases omitted). King's Figures 9A and 9B demonstrate a change in the orientation of the electronic device that results in user controls being changed to different areas on the bezel of the device. (*See* King ¶ 87, Figs. 9A and 9B).

Salman teaches a keyboard of an electronic device where each key can be used for multiple functions, e.g., inputting multiple character values, and where the active character value of a key is backlit (Salman ¶ 51; Fig. 3). We find it would have been obvious to one of ordinary skill in the art to modify King's bezel areas to be backlit when they are actively associated with user controls, in view of Salman's teaching of backlighting keys to show when functions are active. Further, we agree with the Examiner's rationale for making this combination: “Salman discloses a known improvement that can improve usability. One of ordinary skill in the art

could have included it in King with predictable results.” (Final Act. 4).

That is, one of ordinary skill in the art would have understood the benefit of applying Salman’s backlighting technique to King’s electronic device so that a user would more easily see when King’s bezel areas were associated with user controls, and Appellants have not shown this application of Salman’s technique to King’s device would have been beyond the level of ordinary skill in the art. *See KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 417 (2007) (“if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond his or her skill”).

We are not persuaded by Appellants’ arguments that neither reference teaches a “home button control function,” as recited in claim 1, and that the claimed backlighting of a “home button control function” is distinct from Salman’s backlighting character values on keys (App. Br. 4; Reply Br. 1–2). Appellants’ Specification provides “actuation of the user control 104 by a user may result in the ‘home button’ control function displaying a menu of application icons within the display 102” (Spec. ¶ 17). Accordingly, the broadest reasonable interpretation of a “home button control function,” in light of the Specification, is a menu function. King discloses that the user controls associated with bezel areas of the electronic device can include a “Menu” function (*see* King ¶ 57). Based on the above interpretation, we find King’s “Menu” function meets the claim 1 limitation of a “home button control function.”

Further, we note that the Examiner relies on Salman for the general idea of backlighting a control of an electronic device to indicate an active function of the control (*see* Ans. 7). The fact that Salman specifically relates

to backlighting keys to indicate active character values would not have dissuaded one of ordinary skill in the art from applying Salman's backlighting technique to King's bezel areas. Rather, backlighting King's bezel areas would improve King similarly to Salman by providing better usability, i.e., showing a user when controls are active to perform particular functions. Moreover, as noted above, Appellants have not shown this application of Salman's technique to the bezel areas of King's electronic device would have been beyond the level of ordinary skill in the art.

Finally, in the Reply Brief, Appellants contend the combination of King and Salman fails to teach certain limitations of claims 4, 10, and 16 (Reply Br. 2). However, these Reply Brief arguments have been waived because Appellants did not present specific separate arguments regarding claims 4, 10, and 16 in the Appeal Brief. *See Ex parte Borden*, 93 USPQ2d 1473, 1474 (BPAI 2010) ("Informative") ("The reply brief is *not* an opportunity to make arguments that could have been made during prosecution, but were not. Nor is the reply brief an opportunity to make arguments that could have been made in the principal brief on appeal to rebut the Examiner's rejections, but were not").

We are, therefore, not persuaded the Examiner erred in rejecting claim 1, and claims 2–18 not specifically argued separately.

## CONCLUSION

The Examiner did not err in rejecting claims 1–18 under 35 U.S.C. § 103(a).

DECISION

For the above reasons, the Examiner's rejection of claims 1–18 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv).

AFFIRMED